

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ELBERTA LIEBERMAN,)	
)	
Plaintiff,)	
)	Civil Action
v.)	No. 96-523
)	
FAMILY COURT STATE OF DELAWARE,)	
)	
Defendant.)	

Deposition of ELBERTA BERNICE LIEBERMAN
taken pursuant to notice at the law offices of Morris,
James, Hitchens & Williams, LLP, 222 Delaware Avenue,
10th Floor, Wilmington, Delaware, beginning at 10:00
a.m., on Monday, November 8, 2004, before Kurt A.
Fetzer, Registered Diplomat Reporter and Notary
Public.

APPEARANCES:

EDWARD M. McNALLY, ESQ.
MORRIS JAMES HITCHENS & WILLIAMS LLP
222 Delaware Avenue - 10th Floor
Wilmington, Delaware 19801
For the Plaintiff

MARC P. NIEDZIELSKI, ESQ.
STATE OF DELAWARE DEPARTMENT OF JUSTICE
820 North French Street - 6th Floor
Wilmington, Delaware 19801
For the Defendant

WILCOX & FETZER
1330 King Street - Wilmington, Delaware 19801
(302) 655-0477

1 ELBERTA BERNICE LIEBERMAN,
2 the deponent herein, having first been
3 duly affirmed under oath, was examined
4 and testified as follows:

5 EXAMINATION

6 BY MR. NIEDZIELSKI:

7 Q. Would you just state your name for the record,
8 please?

9 A. Elberta Bernice Lieberman.

10 Q. Have you ever been deposed before?

11 A. No, I have not.

12 Q. I will ask you and perhaps your own attorney
13 may ask you a series of questions.

14 A. Okay.

15 Q. And you will respond to those questions if you
16 understand them.

17 If you don't understand them, you should
18 stop me and let me know you don't understand the
19 question.

20 A. Okay.

21 Q. So I can rephrase the question.

22 If you answer a question, it will be
23 assumed that you understood the question.

24 A. Okay.

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1 Q. Is that fair?

2 A. (The witness nodded.)

3 Q. If at any time you need to take a break, you
4 let me know.

5 A. Mm-hmm.

6 Q. One other important thing is your responses to
7 questions have to be verbal so Mr. Fetzer can
8 stenographically record what you're saying. Okay?

9 A. Okay.

10 Q. Now, it's unlike conversation where we might
11 engage in conversation in hand gestures and face
12 gestures and that's part of the conversation.
13 Unfortunately, he can't get that on the record so
14 sometimes we may stop you and ask you for a verbal
15 response. Okay?

16 A. Okay.

17 Q. What I would like to do first is ask you some
18 basic biographical information on you and your family.
19 Okay?

20 A. All right.

21 Q. What's your date of birth?

22 A. April 23rd, 1947.

23 Q. That makes you how old?

24 A. I'm 57.

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1 Q. Where were you born?

2 A. In Brooklyn, New York.

3 Q. Are your parents, either of your parents
4 living?

5 A. No, they are not.

6 Q. Do you have any brothers or sisters?

7 A. Yes, I do.

8 Q. Would you tell me, first of all, how many
9 brothers do you have?

10 A. Are we talking living or dead or both?

11 Q. Both.

12 A. I have had two brothers.

13 Q. And how many sisters?

14 A. I have had two sisters.

15 Q. How many of your brothers are alive?

16 A. One.

17 Q. What's his name?

18 A. David Lieberman.

19 Q. Where does David Lieberman reside?

20 A. It's in Everett, near Seattle, Washington.

21 Q. And your sisters, how many sisters do you have
22 that are alive?

23 A. One.

24 Q. What's her name?

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1 A. Deborah, D-e-b-o-r-a-h, Auerbach,
2 A-u-e-r-b-a-c-h.

3 Q. And where does she reside?

4 A. In Philadelphia.

5 Q. Do you know the address?

6 A. 7303 Brookhaven Road, Philadelphia, PA,
7 19151.

8 Q. How long have you lived in Delaware?

9 A. We moved to Delaware when I was 2 and I lived
10 in New York for one year so that would be three, so a
11 total of 54 years.

12 Q. Just so I have this correct, when you were 2
13 years old you moved to Delaware?

14 A. Yes.

15 Q. Your family moved here to Delaware. Is that
16 correct?

17 A. Yes.

18 Q. Then you said something about a year in New
19 York. I don't understand that.

20 A. Okay. I went to graduate school for one year
21 at C. W. Post College of Long Island University.

22 Q. Where did you go to high school in Delaware?

23 A. John Dickinson High School, the one on Milltown
24 Road.

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1 Q. And what other education did you have after
2 high school?

3 A. I went to the University of Delaware for four
4 years and got a bachelor's of arts degree with a major
5 in psychology and a minor in sociology.

6 Q. Do you remember what year that was that you got
7 your degree?

8 A. In '68.

9 Q. Then what did you do after you graduated and
10 got your degree from the University of Delaware?

11 A. Next I worked that summer and then in September
12 I went to C. W. Post College of Long Island
13 University.

14 Q. And what was your intended course of study at
15 C. W. Post?

16 A. It was a master's in experimental psychology.

17 Q. Did you complete that graduate degree?

18 A. No, I didn't. I left there in August, the end
19 of August of '69.

20 Q. Where did you go in August of '69?

21 A. I came back to Newark, Delaware and lived with
22 a friend and went to work.

23 Q. Where did you first work?

24 A. Actually, within two weeks I got two jobs. One

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1 was at Delaware State Hospital. I was a psychiatric
2 research technician. That was part time during the
3 school year and in the summer it was full time.

4 And then also I had then two weeks later I
5 got a job as a child counselor at the Terry Children's
6 Psychiatric Center. So that was I think in October of
7 '69 I started working there.

8 Q. I forgot to ask you this question earlier on.

9 Is there anything that would prevent you
10 from understanding questions and answering them as
11 accurately as possible?

12 A. I can't think of anything, except I am a little
13 nervous. I do also have attention deficit
14 hyperactivity disorder which sometimes I can get
15 distracted, but it doesn't usually happen.

16 Q. In other words, there's no condition or medical
17 or medicines you're taking that interferes with your
18 ability to understand the question or answer it?

19 A. No. No. No. I might just in my mind get
20 distracted by something and need to ask you again, if
21 that's all right.

22 Q. Sure. That's fine.

23 A. Okay.

24 Q. So in October 1969 you began working at the

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1 Terry Center, correct?

2 A. Yes.

3 Q. As a child counselor. And also you had another
4 job with the State Hospital as a research technician,
5 correct?

6 A. Right.

7 Q. How long did that continue?

8 A. Okay. The Terry Center job continued until, it
9 was almost three years, until '72, until, yeah, until
10 it was the end of August of '72 and the Delaware State
11 Hospital job continued until '74.

12 Q. And what happened in '72? Did you get another
13 job?

14 A. No. I decided to try graduate school again,
15 but again I chose experimental psychology. I went for
16 one semester at the University of Delaware.

17 Q. Okay. Then eventually at some point you got a
18 job with the state. Is that correct?

19 A. Yes.

20 Q. When was that?

21 A. February 16th of 1974. I believe that's a
22 correct date.

23 Q. And what agency were you employed by?

24 A. Family Court of the State of Delaware.

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1 Q. And in 1974 when you started with the Family
2 Court, what was your job duties?

3 A. Back then Family Court had jurisdiction over
4 probation and I was a probation counselor and I
5 supervised -- so I worked with children and their
6 parents and also adults who were put on probation by
7 Family Court.

8 Q. How long did you continue to be a probation
9 counselor or probation officer?

10 A. You know, I don't remember the exact years.
11 I'm approximating a year, maybe a little longer, until
12 I was promoted.

13 Q. To what position?

14 A. It was called -- when I started I was in a
15 counselor trainee position and I was promoted to a
16 counselor position. I was told I was promoted fairly
17 quickly and then I was transferred into -- do you want
18 to know that? You didn't ask that.

19 Q. Yes.

20 A. I don't think you asked it.

21 Then I was transferred into what was then
22 called the intake unit. And my duties there? I think
23 you've been asking about my duties.

24 Q. Yes.

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1 A. My duties there are what are I think still now
2 called mediation of civil petitions, such as custody,
3 visitation, child support, and also arbitration, but
4 it wasn't called that back then where I would meet
5 with, if it were a complaint against a child, I would
6 meet with the child and parents and the complainant.

7 And in arbitration you had more authority
8 than in mediation, so it was a little different. But
9 of course they could always appeal what you wanted,
10 but you were trying in arbitration to divert, if it
11 were a child to divert them to come up with something
12 that if they didn't want a court hearing, and they
13 always had a right to a court hearing, but to divert
14 them from further criminal charges.

15 Q. How long did you continue in that position?

16 A. That I'm not exactly sure of. Okay? I didn't
17 memorize these dates. I was in that position for a
18 number of years. I believe it was till approximately
19 '77, but I could be wrong with that.

20 Q. What happened in approximately '77? What
21 happened?

22 A. I was promoted into -- the court had gotten a
23 federal grant for a person, for an employee to develop
24 a resource manual for the judges and the staff and

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1 that was my responsibility.

2 Q. And how long did you hold that job?

3 A. I held it for -- well, on January 1st of '79
4 was when I was given another job. The job that I had
5 of doing the resource manual, I basically had almost
6 completed the resource manual. We didn't have
7 computers back then, so it was handwritten and so
8 forth.

9 And they were applying for a grant for a
10 restitution by juvenile defenders project, "they"
11 meaning the Family Court of the State of Delaware.
12 And two other people and I cowrote the whole grant,
13 developed the whole program and the Family Court was
14 awarded a three-year grant. It was called a million
15 dollar grant, but it actually was I think \$872,000,
16 not a million dollars, but that's what it said in the
17 newspaper.

18 And I applied for the second position.
19 The first position you had to have a master's in
20 social work and I really didn't have the experience to
21 be in the top position.

22 But I applied for the second position. It
23 was called the coordinator and I coordinated to make
24 sure that the program was handled the same statewide,

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1 but my main duties were in supervising probation
2 counselors and human service workers who found
3 community service and jobs for the children who had
4 been found delinquent and were ordered to make
5 restitution of one of three types.

6 Q. And where was this grant from?

7 A. This grant was from the federal government.
8 And I cannot remember -- it was federally funded. I
9 cannot remember which part of the government.

10 Q. Well, did you actually have reporting
11 requirements, federal reporting requirements?

12 A. Yes. I didn't, I didn't have to do them. That
13 was the director.

14 Q. Was this a grant that you applied for from --
15 did you apply for it to another state agency?

16 A. No. This was, as I understood it -- actually,
17 I know it was. It was directly to the federal
18 government and, forgive me, I forget which part of the
19 federal government, which agency.

20 Q. And that was in 1979, correct?

21 A. No. They got it in '78. And my employment
22 and -- I'm hesitating because I don't know if I
23 misspoke earlier whether I was promoted or not, but I
24 was definitely promoted in '79 because I became a

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1 supervisor of these people and coordinator of the
2 program. And I helped to develop more of the
3 specifics of how is this going to work and learned
4 what we had to provide the federal government in terms
5 of verification and so forth.

6 Q. You indicated the grant was for three years,
7 correct?

8 A. Yes.

9 Q. Do you recall when it ended?

10 A. It ended early because the director misused
11 some of the federal funds and so it ended sometime in
12 '81 and it was I believe early in '81, but I don't
13 remember the exact time.

14 Q. And your position, you indicated that you were
15 promoted in '79 you believe to the supervisor
16 position?

17 A. That I know by then was a promotion. I think I
18 said earlier I was promoted and I don't know if that
19 was correct, if that was a promotion.

20 Q. How long did you hold that position that you
21 were promoted to in 1979?

22 A. Well, I held that position and it was called
23 various things I found out through paperwork until
24 '86. I did different functions, but I held the

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1 position until it was in '87. Excuse me.

2 Q. 1987?

3 A. Mm-hmm.

4 Q. What happened in 1987?

5 A. In 1987 I asked for a voluntary demotion to
6 what was called then -- I had been the supervisor of
7 the criminal investigation unit. Okay? And I asked
8 for a voluntary demotion to the investigative services
9 officer.

10 Q. And why did you ask for a voluntary demotion?

11 A. I had had emotional problems that started --
12 well, I always had emotional problems. I had been in
13 therapy that didn't have any impact on work and I
14 didn't know why I had the emotional problems until
15 much later.

16 But I had a breakdown in '81 after losing
17 these federal funds. It was devastating to me. We
18 had worked so hard and it was a good program and the
19 state did not pick it up.

20 And so then I had another period when I
21 had to go on temporary disability in it was at the
22 beginning, the very last day of '86 through the first
23 three months of '87. And I was hospitalized during
24 that time and when I came out I was given the first

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1 bad evaluation I had ever been given. And I consulted
2 with an attorney and did an appeal of that evaluation.
3 And my attorney suggested that I consider the
4 voluntary demotion.

5 As it turns out now I know I have, you
6 know, the attention deficit hyperactivity disorder
7 which affected my ability to handle paperwork, keep up
8 with paperwork and so forth and remain organized and
9 focused. I didn't know that back then.

10 And so I asked for the voluntary demotion
11 and it was granted.

12 Q. Now, you indicated that was right after you had
13 been on temporary disability?

14 A. Yes.

15 Q. How long were you on that temporary disability?

16 A. That one? For three months.

17 Q. Three months?

18 A. Mm-hmm.

19 Q. And that was from the very end of 1986 you
20 indicated to the very beginning of 1987?

21 A. Until the end of March, I believe, maybe the
22 beginning of April. I might have used -- temporary
23 disability back then was three months and I may have
24 used some sick leave before that.

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1 Q. And the reason for this disability, what was
2 the reason?

3 A. The reason...

4 MR. McNALLY: I'm sorry. The question is
5 a little vague. By "the reason" you mean what medical
6 condition she had?

7 MR. NIEDZIELSKI: Yes.

8 BY MR. NIEDZIELSKI:

9 Q. What was the medical condition or the reason
10 why you took temporary disability for three months?

11 A. Depression and migraines. I had had migraines
12 for years and once Claritin was developed later that
13 helped. It was that sinus headaches were setting off
14 migraines was one of the reasons I had migraines.

15 And it was an evaluation, a reevaluation
16 and I had been put on too many medicines, conflicting
17 medicines. In this three months the doctor, the
18 psychiatrist who was assigned to me brought in, like
19 had me see different specialists and found out that
20 some of the medicines were making me sicker. And so
21 it was a real total readjustment of my medicines.

22 Q. So you came back to work you believe in March,
23 perhaps April 1987?

24 A. It was April, mm-hmm.

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1 Q. April. What was your position when you came
2 back?

3 A. I was the supervisor of the criminal
4 investigation unit.

5 Q. I thought you took a voluntary demotion.

6 A. After that.

7 Q. I see. Okay. You came back --

8 A. I came back and then they did this evaluation
9 that I appealed then and basically lost. I won one
10 point and lost the rest and my lawyer suggested that I
11 ask for a voluntary demotion and it was granted.

12 Q. And then you started working in 1987 as the
13 investigative service officer, correct?

14 A. Position, yes.

15 Q. How long did you hold that position?

16 A. I held that position I believe it was --
17 forgive me. I did not memorize these dates so don't
18 hold me to this. But I believe it was until June of
19 '89.

20 Q. What happened in June of 1989?

21 A. I had asked for a transfer earlier to the
22 mediation unit and both supervisors were in agreement.
23 Ana DePaul, who was supervisor of mediation, had
24 supervised me in the intake unit and at the end of my

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1 time there and said she would be happy to have me. In
2 there there was a delay in when it was granted, but it
3 was granted.

4 Q. Now, in 1981 when you had your first temporary
5 disability, do you recall how long that one was?

6 A. I was out a long time and it wasn't on
7 disability. I was on sick leave first and I used up
8 almost all of my sick leave. And Robert Jackson back
9 then was the personnel director and he met with me and
10 told me I had the right to apply for temporary
11 disability.

12 Q. And did you do that in 1981?

13 A. Yes.

14 Q. Do you recall how long you were on temporary
15 disability in 1981?

16 A. I think it went over until the beginning of
17 '82, the three months. I can't remember the specific
18 dates. Forgive me.

19 Q. Was it temporary disability in '81 to '82?

20 A. Yes. Mm-hmm.

21 Q. Then you had another temporary disability in
22 '86-87?

23 A. Yes.

24 Q. And what was the medical condition or reason

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1 for the temporary disability in 1981?

2 A. In 1981...

3 I'm hesitating because it's often very
4 hard to misdiagnose a person like me and I was
5 misdiagnosed, but the condition was I was diagnosed as
6 having bipolar disorder. I had stopped -- you can
7 have different diagnoses. I had stopped being able to
8 eat or sleep.

9 Q. So it was diagnosed as bipolar, you believe
10 wrongfully diagnosed?

11 A. No. I thought it was wrong, but my present
12 psychiatrist has explained that with the symptoms I
13 had you can have, you can have more than one disorder,
14 psychiatric disorder, and back then it looked like I
15 was bipolar. And so certainly not being able to eat
16 and sleep for weeks was a problem. I couldn't
17 function at work.

18 Q. You couldn't do the work at all in 1981 then
19 when you had this problem?

20 A. Actually, I was very creative. You can become
21 very productive and I developed a whole program at my
22 supervisor's request. That was Mary Lawson. And she
23 had suggested I suggest something to the court to take
24 the place of what we had lost.

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1 Q. From the grant you mean?

2 A. Yes.

3 Q. The Robert Jackson that you mentioned that was
4 head of personnel, did he later become a magistrate?

5 A. You know, I don't think so because -- I don't
6 know. I met him once in a framing store and he told
7 me he's working at this big -- forgive me. I
8 sometimes lose words when I get...

9 It's like a Hilton or something, so I
10 don't think he's a magistrate.

11 Q. Could you describe Robert Jackson to me? Could
12 you do that?

13 A. Back then?

14 Q. Yes.

15 A. I'm not really great at describing people, but
16 I would say he's medium height, he had brown hair.
17 White, if you want to know that.

18 Q. Now, when you are on temporary disability does
19 the state pay you? Do you get funds when you're on
20 temporary disability?

21 A. Yes.

22 Q. Do you get your regular paycheck?

23 A. Yeah.

24 Q. And what happens? I mean, who determines the

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1 temporary disability is over with?

2 MR. McNALLY: I'm sorry. Excuse me.

3 We're talking back then or today?

4 MR. NIEDZIELSKI: Yes. I'm talking in

5 1981.

6 BY MR. NIEDZIELSKI:

7 Q. Who determined when you, for instance, now
8 could come back to work?

9 A. Well, it changed. I really don't know. I
10 don't feel qualified to answer that because I can tell
11 you what I learned later in applying for disability
12 that either the law had changed, the state had
13 changed, the law or the state had changed their
14 policy. I don't know what the policy was in '81, to
15 be honest.

16 Q. In '81 there was a period of time when you were
17 on temporary disability?

18 A. Yes.

19 Q. At some period of time did you want to or you
20 thought you were well enough that you could go back to
21 work?

22 A. Yes. My doctor thought so, but sometimes it
23 became later that the state decided also.

24 Q. In other words, they might ask for some records

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1 or some follow-up examination or something like that?

2 Is that what you're saying?

3 A. Well, yes. They would expect that, but they
4 also changed the rules, that you couldn't be out on
5 temporary disability for less than three months.

6 Q. In other words, once you were approved for
7 temporary disability, you had to remain on temporary
8 disability for three months?

9 A. Yes. It didn't make any sense to me, right.

10 Q. And during that period of time your wages, your
11 salary was continued, correct?

12 A. Yes.

13 Q. And all other employment benefits were
14 continued?

15 A. Yes.

16 Q. Now, did it change in 1987 when you were on
17 temporary disability?

18 A. In 1987 there was -- did what change? I'm
19 sorry. Let me ask you.

20 Q. The way that you would get temporary
21 disability.

22 A. No. The way you got it wasn't different. It
23 was how long you had to stay on it was different.

24 Q. And how did that change in 1987?

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1 A. It actually didn't change. It changed earlier
2 than in '87. I was on temporary disability I believe
3 it was in '84.

4 Q. Okay.

5 A. Okay. And it was then that I went -- my
6 doctors said actually I wasn't ready to go back to
7 work, but I was so concerned about my unit. My work
8 is an important part of, has always been an important
9 part of my life and I did feel a responsibility to my
10 unit, to the community and so forth.

11 And I went back early and it turned out
12 that the state had changed the rules but never
13 notified us that you had to stay out three months or
14 you had to repay all of that money and I appealed
15 that. Luckily I had a friend who worked for the
16 Department of Labor. They had been told. We hadn't.
17 And so they did -- I didn't have to pay back the
18 money, but they had changed the rules which didn't
19 make a lot of sense to me, but that's what happened.

20 Q. Earlier in your testimony you had indicated you
21 had took a temporary disability in 1981?

22 A. Yes.

23 Q. Then we talked about a disability, temporary
24 disability in 1987.

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1 A. Yes.

2 Q. Now you just mentioned that you also had a
3 temporary disability in 1984.

4 A. Yes.

5 Q. Was that for three months as well?

6 A. No. It was less. I can't remember the exact
7 amount of time, but it was less and then, as I
8 explained, they eventually granted it.

9 Q. What was the medical or other reason for that
10 temporary disability in 1984?

11 A. Depression and anxiety. There had been many
12 changes in how Family Court -- what's the correct
13 word? -- was organized and there were many changes in
14 supervisors and just how it was looked at was
15 different. So often I would make it, you know --
16 often? In that case I made it through a very
17 difficult time. I had very constructive supervisors
18 before and I felt that this one did not offer
19 constructive criticism and was not clear. It was
20 difficult.

21 I mean, I got a good evaluation as I
22 recall from him, but it was a difficult, a very
23 difficult time.

24 Q. And this is in 1984 we're speaking about?

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1 A. Yes.

2 Q. Any other disability periods of time where you
3 were not employed because you were disabled?

4 MR. McNALLY: After '84?

5 MR. NIEDZIELSKI: After '84.

6 MR. McNALLY: We have already talked about
7 '87.

8 A. The one in '87.

9 MR. McNALLY: Anything after '87 I think
10 he's now asking.

11 A. I'm drawing a blank and I'm not trying to
12 mislead you in any way. The records are there. Why?
13 I am being distracted. I found a note last night when
14 I was reviewing something that I actually was out of
15 work for two weeks, but that was just on sick leave in
16 I believe it was '88.

17 MR. McNALLY: Let me prompt you. Are you
18 talking about your cancer, where you had the cancer?

19 THE WITNESS: Thank you.

20 MR. McNALLY: Does that help you?

21 THE WITNESS: That was later in '88.
22 You're right. Thank you for reminding me. Yes.

23 A. I had cancer, breast cancer in '88.

24 Q. And that was in 1988?

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1 A. And I did have to go on disability because the
2 chemotherapy made me so ill.

3 Q. And how long was that disability?

4 A. I had to stay out the three months because I
5 didn't have enough -- I had used my sick leave for all
6 of the operations and the treatment. But then after
7 the treatment was done, I became very ill, both
8 treatments, the radiation and chemo. And the rules,
9 either the law or state rules said you had to stay out
10 three months.

11 Q. So at the end of that disability period what
12 position did you come back to?

13 A. I was still a mediator.

14 Q. Had they changed your job at all when you came
15 back to it in 1988?

16 A. This was at the end of '88. I don't remember
17 the specific dates.

18 As I recall, I mean some of the procedures
19 may have changed but, no, my job was -- they added
20 responsibilities to all of us. There were
21 responsibilities, there were responsibilities of
22 mediators back then that I do not believe existed
23 after I left. They were changing it.

24 Q. Now, from the period of 1988 when you returned

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1 back to your work as a mediator, did you continue work
2 as a mediator?

3 A. Yes.

4 Q. And until you left in 1994? Is that correct?

5 A. As I recall, yes.

6 Q. And had the duties of the job, that position
7 had it changed?

8 A. They had increased, yes.

9 Q. But did it increase for everyone?

10 A. It increased my answer is for the state-funded
11 mediators. And yesterday Mr. McNally asked me not to
12 say that, but it increased for the state-funded
13 mediators. The court was concerned and I was glad
14 they were, we all were, that people were having to
15 come in for many mediations. Nobody was looking at
16 their files. They were not -- computers weren't in
17 yet and nobody was seeing that these people were
18 continually having to take off from work.

19 So one of our jobs was to go through the
20 files and make sure before a mediation was even
21 scheduled to make sure that there weren't any other
22 pending mediations or, excuse me, pending petitions
23 that had to be mediated so that we would consolidate
24 them.

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1 We also had to review -- things were not
2 being done that needed to be done. You know what a
3 summons is where the respondent gets the notice. That
4 was not being done. The notices were to incorrect
5 addresses. So that was one of the big
6 responsibilities and the other is that we were asked
7 to do all of the clerical functions following the
8 mediation that used to be done by clerical staff just
9 because if we could do it, you know, like hand out --
10 we had to give out or mail out all of the notices. We
11 had to do the wage attachments and mail them out. We
12 had to do all of the docketing of what had happened
13 and so forth. So those were in addition.

14 That's the type of thing that took time
15 and were in addition.

16 Q. Have your doctors presently said it's okay for
17 you to go back to work now?

18 A. My doctor -- I think that was in your last
19 request. My doctor feels that when this case is
20 resolved, he feels that I am able to work.

21 Q. You're presently capable of working?

22 A. Except I'm not -- I'm able to be focused and so
23 forth. But this has had, this case has such an impact
24 on me that I can't go back to work until it's

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1 resolved.

2 Q. Well --

3 A. Well, at least at this moment that's where I am
4 about it, yes.

5 MR. McNALLY: Let me explain something to
6 you, Bernice.

7 THE WITNESS: Okay.

8 MR. McNALLY: The two of you had
9 overlapping conversations just then and while
10 Mr. Niedzielski was asking you a question you were
11 answering a slightly different question. And I think
12 the questions got overlapped, so it's a little
13 confusing.

14 So remember what we talked about
15 yesterday. Please wait for him to ask a question and
16 then you can give whatever answer you want, but be
17 patient with him.

18 THE WITNESS: Okay.

19 MR. McNALLY: He requires a lot of
20 patience I found over the years.

21 BY MR. NIEDZIELSKI:

22 Q. Let me see if we can clarify that.

23 When was the last day that you worked at
24 the Family Court as a mediator?

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1 A. October 28th of 1994.

2 Q. Now, on that day or thereafter, on the day
3 after that were you capable of going back to work?

4 A. The day after that? No.

5 Q. When is the first day that you would be capable
6 of going back to work?

7 A. I'm still not capable of going back to work.

8 Q. Okay. And why is it that you're not capable of
9 going back to work? In other words --

10 A. That's a very hard question to answer.

11 Q. Well, would you be able to do the work?

12 A. It's very hard to answer because it includes
13 this case, what Family Court did to me in not giving
14 me accommodations I'm alleging. I don't know how to
15 answer that. Family Court's having put me on
16 suspension with pay and then threatening that if I
17 didn't go on permanent disability that they would fire
18 me has caused -- I'm in a dilemma, I've been in a
19 dilemma ten years. It certainly made me very ill. My
20 work helped give me worth. I did something important,
21 to me in my mind I did. I did it well. I showed
22 people respect in a difficult system.

23 I need a resolution that what was done to
24 me, what was not given to me, what was not afforded to

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1 me was incorrect. It's still very much emotionally
2 affecting me and I'm still under the threat from
3 Mr. Closiewicz that if I try to go back to work for
4 the State of Delaware, the next day they will schedule
5 a hearing to fire me. Now, that's my understanding.

6 Q. You put in for a disability pension, correct?

7 A. Yes.

8 Q. And did you get it?

9 A. Yes.

10 Q. Did you put in for a disability pension with
11 Social Security Administration?

12 A. Yes.

13 Q. Did doctors offer evidence in support of your
14 getting a disability in both of those, Social Security
15 and --

16 A. Yes.

17 Q. Did the doctors say on your behalf that you
18 were incapable of working?

19 A. At that time, yes.

20 Q. Is that still true today or has that changed
21 from --

22 A. Yes.

23 Q. It's still true today?

24 A. That I cannot work.

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1 MR. McNALLY: That's fine. The answer was
2 fine. That was another example --

3 THE WITNESS: Where I jumped?

4 MR. McNALLY: Where you jumped. Just be
5 patient, Bernice.

6 A. It's complicated. May I add that?

7 Q. Well, that's fine. Why don't you go ahead and
8 add that.

9 A. Thank you. I added it.

10 Q. I thought you wanted to --

11 A. No.

12 Q. Since October 29th of 1994, have you sought or
13 attempted to be employed?

14 A. No. And let -- may I broaden my answer?

15 Q. Sure.

16 A. I consider volunteer work employment, but I've
17 not -- and I have sought to have a volunteer job, yes.

18 Q. Have you ever sought full- or part-time
19 employment?

20 A. No.

21 Q. Now I'm going to ask you about your physical
22 conditions and other conditions which are at issue
23 here. And I guess I would like you -- first I want to
24 ask you as of 1994, prior to October 28, 1994, what

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1 were your physical and medical conditions?

2 A. I have had osteoarthritis, had been diagnosed
3 with that for a number of years and I could not be
4 treated for it because I also have a lot of
5 gastrointestinal issues and the medicines for the
6 osteoarthritis I can't take because of my
7 gastrointestinal problems.

8 I was -- I had a lot of my
9 gastrointestinal problems had been taken care of by
10 just changing my diet. I have a lot more bulk in it.
11 But then I do have reflux esophagitis, stage 3, and
12 I'm still on medication for that. I was put on
13 medication when I worked there.

14 It was also found -- I'm going to check.
15 Are we talking just '94? Just before I left?

16 Q. Yes.

17 A. Okay. I had been -- may I include the year
18 before?

19 Q. Absolutely. If you want to be as accurate as
20 possible, that's fine.

21 A. The reason why I say that is that when I went
22 to the Department of Labor to the EEO representative
23 and consulted with him, Steven Paikin was his name, he
24 suggested that I get evaluations by my different

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1 doctors and provide that to the court. And I found
2 out in one of those evaluations that I also had a
3 bleeding ulcer.

4 Q. Okay.

5 A. Also one of the other -- let me try and take
6 medical conditions first. Okay?

7 So I also had problems, major problems
8 with my teeth. I had switched dentists because I took
9 advantage of the state's dental plan. And I had teeth
10 that were abscessed and I was working with them and
11 they got worse. They got very bad at the end, in
12 October they were increasingly getting worse and they
13 weren't resolved until after I left.

14 I think in -- yeah. So I had that. Let
15 me think what else. I have chronic venous
16 insufficiency which makes it difficult for me to stand
17 for long periods of time. I'm trying to think what
18 else I left out about physical.

19 Then I also had an evaluation about a
20 possible learning disability and on January 21, I
21 believe the date of the report is, I was found by
22 Dr. Lynn Erb to have, in effect, attention deficit
23 hyperactivity disorder. She apparently can't diagnose
24 that I've learned since. It had to go to a

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1 psychiatrist. And I was having there were other --
2 okay.

3 So then the other thing that happened was
4 I started developing some other emotional symptoms.
5 And so my psychiatrist had me go for an MM --

6 Q. MMPI?

7 A. No. Sorry. That's the psychological test.

8 Q. MRI?

9 A. MRI. And it was read incorrectly. And this is
10 early in '94 and they said that I had cancer in two
11 parts of the outside of my brain, in my head, not in
12 my brain. It wasn't -- and so then I had to go to all
13 these doctors and so forth and it was finally
14 determined that that wasn't true. It was misread, but
15 I had to go through -- I missed a lot of time from
16 work because I had to have those spinal punctures.
17 What do they call them? Spinal? Where they test in
18 your spine.

19 And when they all kept coming up fine,
20 then my neurologist went and found out it had been
21 misdiagnosed. That was very difficult. You know,
22 during the same time I was struggling with issues in
23 Family Court.

24 Then we found out that I had been

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1 misdiagnosed and I had been on lithium since 1981, so
2 this was found out in March of '94. I had been on
3 lithium practically that whole time and I had problems
4 with explosions of diarrhea in the morning that
5 affected my attendance, my promptness being at work.
6 And so that was a medical condition that once I had
7 been off of the lithium it virtually went away and I
8 did not know all of those years. I had been trying to
9 deal with it by getting up at 5:00 in the morning so
10 the explosions would be over in time.

11 MR. McNALLY: Okay. You're getting
12 sidetracked. Just stick to your medical conditions in
13 1994.

14 THE WITNESS: Medical conditions? Okay.
15 Thank you.

16 A. All right. So then also I'm trying to think
17 if -- Ed, please help me if I have forgotten.

18 The psychiatric condition -- excuse me.
19 In addition to the psychiatric or part of it was the
20 question about a sleep disorder and I had also been
21 evaluated as having a sleep disorder and that's on
22 record.

23 Q. Did you have a sleep disorder?

24 A. I have trouble with sleep. It's not totally

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1 analyzed now. I'm supposed to have another test for
2 sleep apnea. My psychiatrist wants me to have it and
3 I haven't and I will soon. I have sleep problems,
4 going to sleep. I don't have sleep medication, take
5 medicine.

6 And my psychiatric disorder it was very
7 difficult because I was told that I had been
8 misdiagnosed and so my psychiatrist at the time said
9 she couldn't be my psychiatrist anymore.

10 MR. McNALLY: I'm sorry. There's no
11 question. The question pending is: Do you have a
12 sleep disorder? And now you're getting into this
13 other stuff.

14 THE WITNESS: Sorry.

15 BY MR. NIEDZIELSKI:

16 Q. Now I would like, if you would -- I consider
17 psychiatric problems a medical problem.

18 A. Yes.

19 Q. But you treat them differently or you describe
20 them differently.

21 A. I was trying to -- I consider them medical
22 also.

23 Q. Okay.

24 A. I was trying to categorize in my mind so I

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1 stayed with medical.

2 Q. I understand. What I would like you to do is
3 turn your attention to what they call psychiatric
4 problems or emotional disorders, whatever you want to
5 call them.

6 A. Mm-hmm.

7 Q. Why don't you go ahead and describe those?
8 This is as of prior to October of 1994. Okay?

9 A. Prior?

10 Q. Right.

11 A. Okay.

12 MR. McNALLY: Excuse me. Before you
13 answer, I need a clarification. You mean sort of the
14 year before? Is that all right?

15 MR. NIEDZIELSKI: That's fine.

16 MR. McNALLY: We don't want to go back to
17 '86?

18 MR. NIEDZIELSKI: No. She's going to
19 describe I think a history of some of these things
20 that were misdiagnosed.

21 BY MR. NIEDZIELSKI:

22 Q. But as far as 1984 and the year prior to
23 that --

24 A. '94? You just said '84.

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1 Q. I'm sorry. I meant '94. I meant '94 and the
2 year prior to that, '93.

3 What were your problems or your
4 conditions, psychiatric conditions?

5 A. Well, I was diagnosed as having bipolar
6 disorder. I suffered from depression and then....

7 MR. McNALLY: We're talking about '94 and
8 '93, Bernice. Is that what you're talking about?

9 THE WITNESS: Yes. Thank you.

10 A. '94 and '93. So it was depression and they
11 said I was bipolar. And then in March of '94 I had an
12 evaluation by Alan Gruenberg, Dr. Alan Gruenberg, who
13 was a psychopharmacologist, because Dr. Mathisen, my
14 psychiatrist, thought maybe I was on the wrong
15 medicine.

16 And he said that yes, she's on the wrong
17 medicine, but she's totally misdiagnosed. But it was
18 a tentative diagnosis. So anyway it was diagnosed
19 that I had dissociative disorder at that point, not
20 which type. And it became -- and so then I changed
21 and got a different psychiatrist.

22 Q. And have you been treated for that since 1994?

23 A. Yes.

24 Q. Successfully treated for it?

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1 A. I think the question is what do you mean by
2 "successfully"?

3 Q. I mean to the point where -- well, let me ask
4 you this. Let's just go through these one at a time.

5 Reflux, how does that affect your life,
6 having reflux?

7 A. As long as I'm on the medicine, there is no
8 effect.

9 Q. The medicine you take is Prilosec?

10 A. No. Right now I have been changed to Prevacid.
11 I was on Prilosec back then.

12 Q. Then your dental problems, have they been
13 rectified?

14 A. I ended up having the abscessed teeth, yes.
15 That's rectified. I have no teeth left.

16 Q. But does that have any influence or effect on
17 your life?

18 A. On which part of my life?

19 Q. Is it a good thing now that you've had your
20 teeth problem solved? It doesn't negatively influence
21 your life anymore?

22 A. It negatively influences my life, but if I were
23 working it didn't negatively affect my working. So
24 I'm not sure what you mean by life.

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1 Q. The venous insufficiency, how does that affect
2 the normal things that you do during the day?

3 A. I just can't stand for long periods of time and
4 walking can be difficult.

5 Q. And was that ever a problem when you worked?

6 A. It had started. I don't think it was -- after
7 I was no longer working, there was time to go to other
8 doctors. For instance, about my allergies that I had
9 never been -- I didn't take the time during work when
10 I worked to address that.

11 Q. And that's when you found out that they weren't
12 migraine headaches but they were actually sinus?

13 A. Actually, I found that out earlier when
14 Claritin came to be and my medical doctor gave me
15 Claritin. The migraines decreased majorly.

16 Q. And you indicated that you also had
17 osteoarthritis?

18 A. Yes.

19 Q. In what joints?

20 A. I have it in my back, throughout my back. They
21 tell me the pain in my hips is from the arthritis in
22 my lower back. I have it in my knees, in many of my
23 joints, my hands.

24 Q. And over the years has it gotten worse or has

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1 it gotten better?

2 A. I would say it varies at times. I think the
3 osteoarthritis as I experience it in my lower back has
4 gotten worse.

5 Q. Since 1994 it's gotten worse you believe?

6 A. Yes. So like the way that affects me is in
7 walking up steps and down the steps.

8 Q. In other words, it makes it more difficult for
9 you to walk? Is it more painful? Is that why?

10 A. Not the walking. It's walking up steps and
11 down steps, which I have to do to get into my
12 apartment so it affects my life. Not walking in
13 general.

14 Q. Now, you indicated in 1994 you had been
15 misdiagnosed -- well, earlier you had been diagnosed
16 with depression and I think you said bipolar, correct?

17 A. Mm-hmm.

18 Q. Whatever they called it in 1994, how did those
19 psychiatric conditions, how did they affect your life?
20 What do they prevent you from doing?

21 A. When? Now?

22 Q. No. In 1994 and up until the present. If you
23 want to, up until the present time.

24 A. Oh, I didn't understand the scope of the

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1 question. I don't think they prevented me from doing
2 anything. I think the situation of having my
3 psychiatrist leave me because if she had misdiagnosed
4 me for years, that was a trauma for me and had an
5 emotional effect on me, but it didn't have an effect
6 on my being able to work.

7 When I would go actually to a mediation,
8 if I may --

9 THE WITNESS: Ed, tell me if this is okay.

10 A. In terms of what my work was. Now that I
11 understand that I have ADHD and back then that helped
12 and then when I would go into a mediation it was a
13 very focused hour and 45 minutes and that was very
14 good for me because I knew, I explained what we were
15 there for and so forth and knew what my role was and
16 didn't have many distractions, you know. I don't
17 know -- it was fine. I think I got better because
18 actually the new diagnosis explained some things to
19 me.

20 Q. Now, the new diagnosis you're talking about is
21 what?

22 A. Dissociative disorder.

23 Q. When was that diagnosis made?

24 A. At the end of March of '94, tentatively.

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1 Q. What are the symptoms that you feel of
2 dissociative disorder?

3 A. Actually, some of the symptoms are from the
4 attention deficit hyperactivity disorder. I think the
5 ADHD was affecting me more at work than the
6 dissociative disorder. Once I learned I had the ADHD
7 and we had the recommendations from Dr. Erb, I
8 remember bringing up at a unit meeting that I wanted
9 the staff to understand that I had been told I have
10 this disorder and it would help me to have my door
11 closed when I was doing my paperwork and not in
12 mediation.

13 So that I didn't want them to feel I was
14 being angry or my closing my door was for any other
15 reason than to help me remain focused on what I was
16 doing.

17 Q. And did it help you remain focused on what you
18 were doing?

19 A. Oh, yes.

20 Q. In 1994 and 1993, in the year prior to that,
21 were you having problems keeping up with the
22 paperwork?

23 A. Yes.

24 Q. And were you having problems with being on

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1 time?

2 A. Which year? I'm sorry.

3 Q. In '94, '93.

4 A. In '93, yes. And at the beginning once in a
5 while in '94.

6 Q. Were you warned in 1993 about excessive
7 tardiness or anything like that?

8 A. Yes.

9 Q. And did you go through counseling, do they have
10 like what they call counseling where you meet with
11 your supervisor and you discuss it?

12 A. I believe so, yes.

13 Q. In other words, they gave you an opportunity of
14 resolving the problem by a period of time you would go
15 where you would not be late for work or miss days?

16 A. I do remember reading that somewhere. I don't
17 remember all of the specific facts, but I did get
18 better. I remember I learned not to try to come to
19 work on 95. I found another way and it was much --
20 Maryland Avenue was much less, you know, by going all
21 of the back roads and straight through, that helped.

22 But it didn't help the explosions of
23 diarrhea and I didn't know until March of '94 or
24 approximately then that it was the lithium that I was

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1 required to take that was causing that. And I can't
2 explain why my psychiatrist or gastroenterologist who
3 I consulted with didn't say lithium can cause that.

4 I --

5 MR. McNALLY: Wait a minute. Let's wait
6 for the questions because I think you're not answering
7 his questions. Please focus on that.

8 THE WITNESS: Thank you.

9 BY MR. NIEDZIELSKI:

10 Q. So since that time the diagnoses have changed,
11 your psychiatric diagnosis to this dissociative
12 identity disorder?

13 A. It was not -- it was after I left the
14 hospital -- the hospital? Excuse me.

15 Q. The Family Court?

16 A. The Family Court. Thank you.

17 Q. Do you still have that disorder?

18 A. Yes.

19 Q. And how is it controlled?

20 A. Well, controlled? What do you mean by
21 "controlled"?

22 Q. Well, you indicated, for instance, in the case
23 of your reflux that by taking a pill essentially it's
24 not a problem anymore?

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1 A. Right.

2 Q. The medication takes care of it so you don't
3 have the problem.

4 Do you get the same effect from taking
5 medication for your dissociative identity disorder?

6 A. Well, part of the dissociative identity
7 disorder, a major part of it is depression and I am on
8 medication and the medication does help with
9 depression.

10 Q. What medication are you on for that?

11 A. I'm on Effexor, E-f-f-e-x-o-r, and Lexapro,
12 L-e-x-a-p-r-o.

13 Q. Anything else?

14 A. I'm on not -- well, I'm on a half milligram of
15 clonazepam, Klonopin, K-l-o-n-o-p-i-n, I think, at
16 bedtime just to help me relax a little because my
17 doctor doesn't want me on anxiety medicine during the
18 day because I don't need it.

19 And I'm on the medicine Adderall for the
20 ADHD.

21 Q. Did you review any documents in preparation for
22 your deposition here today?

23 A. Yes.

24 Q. What documents did you review?

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1 A. I reviewed a number of documents. I don't
2 know...

3 MR. McNALLY: Just give him a general
4 description.

5 Q. Yes. If you can just generally describe what
6 the documents were that you looked at.

7 A. I looked at some documents I had prepared for
8 Ed years ago in 2000 before he decided to be my
9 attorney. And I looked at some of the documents I had
10 provided you a long time ago with documents that I had
11 tried to assemble to show the communication back and
12 forth at least.

13 Q. Did you review the documents, for instance,
14 that the defendants produced to you?

15 A. Oh, I had reviewed them before, yes.

16 Q. You mean, in other words, you got copies of
17 documents that you might already have been aware of or
18 you already knew about?

19 A. Some of those and some of them I didn't know
20 about at all.

21 Q. Now, during the entire period of time that you
22 worked for the Family Court, were there other
23 employees that you were aware of that had medical or
24 psychiatric problems?

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1 A. I know that one person in another unit also had
2 breast cancer because I just sort of went to
3 commiserate with her, mm-hmm.

4 Q. Was she in remission or did she treat and come
5 back to work?

6 A. She had -- she was going through some of the
7 treatment like I did. I was working when I went
8 through the treatment.

9 Q. Now, the Family Court, did they try to help you
10 when you were going through that?

11 A. That's back in '88. Did they try to help me?
12 No.

13 Q. They didn't make any adjustment to your
14 schedule or anything like that?

15 A. Well, certainly they let me take sick leave
16 with the doctor's notes that I had cancer and had to
17 have radiation treatment and they were only given at
18 certain times and chemo. I had to go Friday afternoon
19 for chemo and they certainly let me use my sick leave
20 when I produced proof that I needed it.

21 Q. In 1993 when you were having problems with
22 being late and missing time because of your various
23 problems, did the people at the Family Court try to
24 work with you? Did they, for instance, contact your

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1 doctors that you identified?

2 A. Actually, I think it was the end of '92.
3 Things changed in Family Court in 1992 and the
4 administration changed. And I had always had problems
5 with paperwork but had never...

6 Excuse me. Let me go back. Let me ask
7 you to say your question again because I think I was
8 going in a different direction.

9 Q. In 1993 approximately there was a period of
10 time you indicated you were missing a lot of time and
11 being late because of your various problems, medical
12 problems. Okay?

13 A. Okay.

14 Q. Now what I was asking you is in relation to
15 that, did people at the Family Court write letters to
16 your doctors and ask what they could do to help you?

17 A. Not to my knowledge. They did ask and call
18 Dr. Mathisen during the meeting, a joint meeting that
19 we had at the end of '92 or beginning of '93. They
20 did try to work with me. I was staying many hours
21 after work to try to keep up with the paperwork.

22 And part of the problem was that I did not
23 know -- part of the problem was resolved at the
24 beginning of '94. I want to acknowledge yes, they did

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1 call my doctor and they did try to work with me and
2 they did -- I remember in '93 Kathi Donofrio resolving
3 some of my cases. I would have notes and she would
4 finish the paperwork and send it to court. I would
5 have notes about why it was going to court, but all of
6 the paperwork had to be done.

7 So certainly there was some help, but the
8 main help I needed I got in '94. One of the main
9 pieces of help I got is when I had a change in
10 supervisor and I asked -- and he had been my coworker,
11 David Weiss, and he became my supervisor. He had been
12 in court. We became friendly because he would be
13 there for hours after court also when I was and we
14 would meet at the conference table.

15 But I asked him "Would you let me sit in
16 on a couple of mediations with you to see what you're
17 doing that you get your paperwork done that I'm not
18 doing?" And that was the biggest help. That's
19 what -- I needed some help. Ana DePaul is a wonderful
20 supervisor in many ways, but she did not do the
21 training. She did not train me in how to be a
22 mediator. She farmed that out. It's always good to
23 sit with other mediators, but I didn't get how do you
24 get the paperwork done? How do you -- you know, from

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1 an efficient person and so that was a very big help.

2 It was a bigger help to me.

3 And then David would meet with me and I
4 would identify what the kind of cases were I was
5 having difficulty resolving. Some of these cases were
6 not just they walk in and you know what you're doing
7 or they don't come and you file a recommendation for a
8 dismissal. They were legally very difficult and
9 fortunately Family Court had assigned a master, Master
10 Herlihy, to the mediation unit and I was able to go
11 with David's agreement. He didn't know how you
12 resolve this and go to her and get specific legal ways
13 to resolve a certain petition. And then I was able to
14 apply it to the other ones that I had been holding
15 onto and I was able to close many more.

16 So that was help. I remember David took a
17 number of them, the old ones that were just the
18 petitioner didn't appear and we sent the notice to the
19 correct address. I can't find that in my statistics,
20 but I guess they kept saying he did that, so I guess
21 he did do that. I just can't find it in my
22 statistics, which I also reviewed part of before this
23 meeting.

24 Q. Sure.

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1 A. This petition.

2 Q. Okay. You mean this deposition?

3 A. Yes.

4 Q. Have your psychiatric problems you think become
5 more profound as time has gone by?

6 A. What do you mean by "profound"?

7 Q. More serious.

8 A. More serious? I don't even know what --
9 forgive me. I know what serious means.

10 Q. Let me put it this way. Let me ask you. Maybe
11 this might help.

12 Has it become more of a problem since, for
13 instance, have your psychiatric problems become more
14 of a problem since 1981, for instance?

15 A. It is so hard to answer that. Once you find --
16 they were a problem because I was misdiagnosed. And I
17 remember in '84 asking -- my psychiatrist had me on
18 medicines that was making it very hard for me to focus
19 at work and I remember asking him to reduce them. I
20 told him I couldn't be on them because I could do the
21 work, I might be anxious, but I could do my work.

22 So I think the misdiagnosis did not help
23 and the lack of understanding that I had ADHD because
24 then that helped me focus on what was getting in my

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1 way of getting things done. When I found out after
2 what Family Court did to me which culminated on
3 October 28th of '94, that was such a trauma, taking my
4 right to work away from me that I became more ill. So
5 that when -- I did. I got the first memories of what
6 was done to me throughout my life starting as a young
7 child, you know, by my parents and others. Okay?
8 Serious abuse. And I did become more ill.

9 What they wrote is not wrong, but it
10 was -- I could have healed from this disorder and
11 still worked. I believe I gave you the article by
12 Dr. Kluft about high functioning multiple personality
13 disorder people. But it was the fact that I was told
14 I couldn't go back to work or I would be fired and I
15 knew I had to support myself. Our family is not, you
16 know, extended family, they're not in touch with us
17 and I have no one. My sister and brother didn't have
18 the ability to support me. And I needed, I needed
19 insurance to have therapy and that bind was very
20 difficult and made me very ill.

21 And then -- but, you see, also part of it
22 is choosing the right therapist, but you learn to,
23 I've learned to get cooperation. You may have heard
24 there are personalities obviously.

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1 MR. McNALLY: Excuse me. The question was
2 whether or not your conditions have become worse.

3 THE WITNESS: It did become worse for a
4 while.

5 A. And then I -- but part of that was because of
6 the direction of the therapist I was seeing at a
7 certain time and I left her. And now my goal is to be
8 more focused, less distracted and just work on doing
9 that and it works. I mean, I think my performance
10 here today -- I may be wrong. I know I'm nervous and
11 so forth. But the only time it got worse is when I
12 had a therapist who wanted me to meet, to remember all
13 of what was done to me.

14 And she -- there was a value to that, but
15 it made it difficult to function. You can do it much
16 more slowly and, otherwise, it has not been serious.

17 Q. Okay. Now, when you say what the Family Court
18 did to you in 1994 in October, what was it that they
19 did to you that you're talking about?

20 A. Okay. I had -- I'm talking about on October
21 28th but also before. In 1993, November 17th, 1993
22 Kathi Donofrio wrote me a memo and on the third page
23 the next-to-the-last paragraph I had been asking for
24 the accommodations that the Americans with

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1 Disabilities Act and the Rehabilitation Act afford me,
2 certain ones about being allowed to not use my leave
3 to go for psychiatric appointments less than two hours
4 a week if I made up the time and the work that I had
5 missed. And what she had said in that was that as
6 long as I did not handle less mediations than the
7 other mediators -- and she suggested using my Friday
8 workday and I did that.

9 And I had done this and I was handling as
10 many mediations. I had -- and they still wouldn't
11 give me the accommodations that Judge Thompson had
12 given me back in, Chief Judge Thompson had given me in
13 1987. And before that if I had to leave -- that was
14 one of the reasons I took the voluntary demotion, by
15 the way. I know I'm jumping here, but that's what I
16 am referring to. He said he couldn't have a
17 supervisor being out of the court for two hours during
18 the workday.

19 Anyway, I had done all of this. I had
20 done more than they asked, than she asked. And David
21 would get angry if I would bring it up. And so they
22 wouldn't give me those accommodations and they just --
23 and I was really working on catching up. You know,
24 like I said, David had given me a way and I had

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1 learned that I get distracted. I wasn't even aware of
2 how distracted I can get. And I would close my door
3 and I would set certain cases to do and work on them
4 so that I had -- I structured my time better. I was
5 catching up on my case load. I did not understand
6 what was written in that October 28th memo and I
7 remember that we did ask you for specifics of what
8 files is David talking about he found in my office
9 because I've done a review and compiled a chart.

10 MR. McNALLY: But the question was what
11 did the Family Court do to you, not what you did to --

12 THE WITNESS: What they did to me? Okay.

13 A. What they did is they started -- one of the
14 things they did in September, mid-September, I think
15 it was September 17th, I was no longer allowed in the
16 Family Court building before 8:30 and after 4:45
17 unless I called security, which made sense. I had no
18 problem with that. You know, if a mediation was going
19 to run late, I was to call security, which was fine.

20 What I had a problem with was that wasn't
21 being required of other staff. So they were creating,
22 making it more difficult for me to keep up with my
23 work in my mind. And I was catching up. I was
24 closing a number of cases. I mentioned to you how,

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1 the difficult ones. And on October -- there were
2 other things.

3 My psychiatrist would suggest and they
4 would ask for a note from him in August and he
5 suggested if I was frustrated with something in the
6 system to ask my boss, David -- he was handling the
7 case load, so to ask him when he could meet with me
8 please do it and then I would express my frustration
9 and he wrote me a memo that I shouldn't do that.

10 Now, according to my understanding of the
11 Americans with Disabilities Act and what the EEOC
12 technical guidance is for people with psychiatric
13 disabilities, that certainly falls within a reasonable
14 thing to ask. But these writings of the memos and so
15 forth -- and I did those all at home. I didn't do
16 them at work of course. It was just increasing the
17 stress. And so then my doctor did not say that I
18 couldn't work when they asked.

19 And I can't remember all of the specifics,
20 but on October 28th -- I know one other thing I would
21 like to mention. They even started using, earlier
22 they started using the Family Medical Leave Act
23 against me. They just -- and I called Senator Biden's
24 office and they didn't acknowledge that that was

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1 wrong, but it stopped after my call to Senator Biden's
2 office.

3 And then they used the Fair Labor
4 Standards Act and they tried to say that I couldn't
5 have the accommodations that the Americans with
6 Disabilities Act and the Rehabilitation Act said I
7 could have because of the Fair Labor Standards Act.
8 So it was like they were -- it was just like
9 difficulty after difficulty after difficulty.

10 But I was virtually caught up, meaning
11 that I believe there were four cases on my desk and if
12 I had been allowed to finish working on October 28th
13 there would have been no paperwork due from me. And
14 the reason that I can -- well, I have verification of
15 that, but also we had been given an extra day. There
16 had been a domestic violence conference and so they
17 didn't schedule any mediations because some of us went
18 on each day and we were given that extra day for
19 paperwork. And I used it to go check out all of these
20 cases. I did not take a case off of my statistics
21 until I knew it had been resolved, even if somebody
22 else handled it, because I didn't want people to get
23 lost in our system.

24 And so I used that day and checked all of

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1 them.

2 MR. McNALLY: Bernice, you're talking a
3 lot about what you did, but the questions had to do
4 with what did the Family Court do to you to cause
5 you --

6 THE WITNESS: Okay.

7 MR. McNALLY: You have listed some things,
8 but you're drifting away from the question.

9 THE WITNESS: Thank you. Thank you.
10 You're right.

11 BY MR. NIEDZIELSKI:

12 Q. Let me try to redirect you if I can,
13 Mrs. Lieberman.

14 A. Miss.

15 Q. Miss Lieberman. I'm sorry.

16 A. Sorry. You can call me Bernice.

17 Q. Ms. Lieberman, did they have normal work hours
18 at Family Court as a mediator?

19 A. The normal work hours to schedule mediations?

20 Q. Yes.

21 A. Yes. They were from 8:30 through 4:30 and they
22 gave me my first one started at 8:45.

23 Q. Is that something they did for you that they
24 didn't do for the others?

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1 A. The others could ask for it, but they suggested
2 I take it.

3 Q. And that was in an effort to help you?

4 A. That's right.

5 MR. McNALLY: Mark, when you get to a
6 certain point can we take a break?

7 MR. NIEDZIELSKI: Sure. Do you want to
8 take a break now?

9 MR. McNALLY: Whatever is convenient for
10 you.

11 MR. NIEDZIELSKI: We can take a break now.

12 MR. McNALLY: Thank you. Can we just take
13 a couple minutes break?

14 (A brief recess was taken.)

15 THE WITNESS: I wasn't finished with my
16 answer.

17 BY MR. NIEDZIELSKI:

18 Q. Please continue.

19 A. If you want me to?

20 Q. Please continue.

21 A. I didn't understand, I have to say this, that
22 this was a normal procedure. Here I was. I had
23 worked for Family Court for over 20 years and they
24 took, what Family Court did is they took -- they told

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1 me I had a meeting in five minutes in Kathi Donofrio's
2 office and they took me into this meeting and handed
3 me this paper.

4 We sat around the table and Bob Closiewicz
5 was there and David Weiss and Kathi Donofrio. I
6 cannot remember who else was there right at this
7 moment. Anyway, they asked me to read this memo and
8 the bottom line was they were putting me -- I said I
9 can't read it. You know, would you tell me what's in
10 it? Because what I started to read I felt was not
11 true and I was getting upset and I just thought I
12 can't focus on this now, I mean promise that I have
13 taken in everything.

14 Anyway, so it was that I was being put on
15 suspension and pay. That was on October 28th, Friday,
16 to have a hearing on the following Wednesday, November
17 2nd at 3:00 o'clock in the State Office Building to
18 have it decided if I would be fired or not.

19 I was told I had -- we had to go back to
20 my office. I was being treated like a prisoner is how
21 it felt to me. And I wasn't allowed the time -- they
22 did allow me the time. I wanted to tell Kathi this
23 lady is waiting for a phone call back about a certain
24 thing; these are the four, five cases and there are

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1 notes on them what has to be written about why they're
2 going to court or what needs to be done on them.

3 And I just didn't want to leave clients in
4 the lurch and I wasn't allowed to get my belongings.
5 I was told I had to leave the building and here I knew
6 I was having this hearing and I wasn't allowed to
7 take, get proof that what they were saying was not
8 true.

9 So then I was escorted out without any of
10 my, most of my belongings. I was escorted out by four
11 or six security guards out of the building. Now, they
12 had moved the mediators into a meeting away from that
13 area, which was respectful. That was appropriate, I
14 thought, that I didn't have to go through that.

15 And the one nice thing was that one
16 security guard said something like, and I felt it was
17 supportive, Jesus, you know, I mean she saw me as a
18 very positive person and worker in Family Court. And
19 so -- then they escorted me out of the building.

20 I called Bob Closiewicz later that day.
21 I'm just focusing on Family Court, not anything else.
22 And I told him I need copies of the sign-in sheets for
23 this whole year because what's written there I do not
24 believe is true and any time I signed in -- I remember

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1 your pointing this out, Ed -- the receptionist would
2 see that I was signing in and would know if I was
3 signing in an incorrect time and so forth. I asked
4 for that and some other documents which I never got
5 from him. And that was -- it was, it was so
6 devastating I can't tell you, I mean that it broke
7 through. It made me much more psychiatrically ill.
8 It broke through all of the defenses I had developed
9 as a young child to not remember what was done to me.

10 MR. McNALLY: Okay. The question is are
11 you done --

12 THE WITNESS: What Family Court did to me.

13 BY MR. NIEDZIELSKI:

14 Q. I want to get back. As I understand what
15 you're describing -- and if I'm not describing it
16 accurately, please let me know -- on the 28th you were
17 given a letter or a document which said that they
18 intended to discipline you by terminating you,
19 correct?

20 A. Yes.

21 Q. And they suspended you in the interim with pay?

22 A. Yes.

23 Q. And they gave you a notice for a hearing
24 sometime later?

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1 A. In five days.

2 Q. You never had that hearing, did you?

3 A. No.

4 Q. So someone was going to be appointed to hear
5 that matter and make a decision whether you should be
6 terminated, if that had happened?

7 A. Randy Williams as I remember.

8 Q. But that never happened?

9 A. No.

10 Q. Why did that never happen?

11 A. I consulted an attorney, not Mr. McNally, I
12 hadn't met him yet, who had handled employment
13 discrimination cases. I called Master Paikin first.
14 Excuse me. First I called Master Paikin. She
15 suggested I file a lawsuit, including a matter that's
16 not in this case now, and gave me the name of a couple
17 of attorneys. And I called one of them and he advised
18 me to immediately go on disability, temporary
19 disability because I had to support myself and I had
20 to be able to get therapy and have my medical needs
21 handled because they wouldn't give me, they wouldn't
22 allow me the documents to prove that what was said was
23 incorrect. So I would walk into this hearing the
24 following Wednesday without the proof and they

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1 wouldn't let me -- they had taken away of course my
2 badge and my entry cards into Family Court.

3 So I was feeling desperate. I didn't know
4 what to do. So I became more psychiatrically ill and
5 eventually that's what happened before October --
6 November 2nd. Excuse me.

7 Q. Did somebody call and have that date extended
8 for the hearing?

9 A. Not to my knowledge. My psychiatrist -- I
10 called Delaware State Hospital and I said Family Court
11 won't give me what I need to prove what they're saying
12 is wrong. They're going to fire me. I'm very
13 suicidal and I need to be in the hospital. So I guess
14 since I'm not going to have insurance next Wednesday I
15 better be calling Delaware State Hospital.

16 I was taken there with my agreement by
17 some of the people from crisis intervention and they
18 called my insurance and I went to Rockford Center
19 initially. And I know that I was in touch with my
20 psychiatrist, Dr. Stehle, N. Scott Stehle,
21 S-t-e-h-l-e. That's a hard one to spell. And he
22 wrote a letter for me, got me to sign a release
23 through faxes that he could send it to Family Court
24 and asked that I be put on temporary disability.

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1 So my knowledge --

2 Q. Did that happen? Were you placed on temporary
3 disability?

4 A. Yes. And maybe Dr. Bauchwitz called Family
5 Court, but I don't think she asked for an extension of
6 the date of the hearing.

7 Q. In any event, there never was a hearing to
8 terminate you, correct?

9 A. That's correct.

10 Q. And you were never terminated?

11 A. That's correct.

12 Q. Instead, you went from temporary disability to
13 permanent disability?

14 A. Yes.

15 Q. When was your permanent disability granted? Do
16 you recall that?

17 A. The effective date?

18 Q. Yes.

19 A. February 1st of '95.

20 Q. And are you presently still on that disability?

21 A. Disability, yes.

22 Q. Did you also apply for Social Security
23 disability?

24 A. I'm sorry. I'm trying to remember. That's the

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1 disability. That's the SS -- no. I'm wrong.

2 That's the date of my disability, that's
3 right, in the State of Delaware. And I applied for
4 Social Security disability and the effective date I
5 think was in May. I mean, it went back to October
6 28th, but you had to go a long period of time with no
7 income.

8 Q. Okay. And in both cases was it the same doctor
9 that provided documentation to the fact that you were
10 disabled?

11 A. Yes.

12 Q. In both cases. Do you recall what he indicated
13 to those individuals, both Social Security and the
14 pension office?

15 A. I don't remember what he said to Social
16 Security. You had obtained those records and sent
17 them. I have not made the time to fully read his
18 report to them.

19 I did read the one to the State of
20 Delaware. It was shorter.

21 Q. And he indicated, did he not, just generally,
22 that, in fact, you were too ill because of your
23 psychiatric conditions to work? Is that a fair
24 statement?

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1 A. Yes. Yes.

2 Q. Now, after you were awarded both the disability
3 pension and disability from SSI, do they have a review
4 process?

5 A. Yes.

6 Q. And when is that usually? Do you know?

7 A. For a while I believe it was for four or five
8 years the State of Delaware did a review each year or
9 asked for a review each year.

10 Q. And would you pick the doctor? I mean, would
11 you go to your regular doctor for that?

12 A. The one that I was with at the time. I left
13 Dr. Stehle at the end of -- I forget the specific
14 dates. I was with him two-and-a-half years, I think.
15 It would go to another, whoever was my psychiatrist.

16 Q. Whenever that period of time was, did he,
17 again, tell the authorities, both the pension office
18 and the Social Security Administration that you were
19 still too ill to work?

20 A. Yes. He or she.

21 Q. He or she. You indicated in your testimony
22 that since probably 1981 you've had symptoms of mental
23 illness. Is that a fair statement?

24 A. Yes.

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1 Q. Since at least 1981?

2 A. Yes.

3 Q. Probably before that do you think?

4 A. Oh, yes. I was in therapy since I was 17.

5 Q. And while the diagnoses have changed over the
6 period of time, you believe you were misdiagnosed
7 earlier on, your symptoms have always remained the
8 same, haven't they?

9 A. No. No. Because --

10 MR. McNALLY: That's a yes or no answer.

11 THE WITNESS: That was a no. No. Stop.

12 Thank you.

13 MR. McNALLY: If he has another question
14 he will tell you.

15 BY MR. NIEDZIELSKI:

16 Q. You believe they have changed then?

17 A. Yes.

18 Q. The symptoms have --

19 A. Yes.

20 Q. Why don't you tell me how they have changed?

21 A. The incident of what happened in 1981 I've
22 never experienced again of going a long period of time
23 without being able to eat and sleep and becoming manic
24 I've never experienced again. That's the salient one

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1 that stands out in my mind.

2 Q. When you worked at the Family Court were you
3 able to contact other employees that had depression?

4 A. Was I able to?

5 Q. Yes.

6 A. I don't know how to answer that. I mean,
7 nobody kept me from it, if you're asking that.

8 Q. Did you know that there were other employees
9 that suffered from depression?

10 A. No, I don't think I remember -- I don't want to
11 misrepresent, but I don't remember that.

12 Q. Do you remember any employees with any kind of
13 physical or psychiatric disability working at the
14 Family Court?

15 A. I remember -- it wasn't a psychiatric
16 disability. I remember that they employed a person
17 who was mentally less able to function in a low
18 functioning position.

19 Q. Was that during the entire period of time that
20 you worked at the Family Court?

21 A. No. I'm trying to remember if there was
22 anybody. I don't mean to misrepresent here. I may
23 just -- I hadn't thought about that and it's been a
24 long time. I may remember somebody later and if you

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1 want me to ask Mr. McNally to tell you, I'll be glad
2 to.

3 Q. Okay. Do you presently treat with any of the
4 healthcare providers you treated with in 1994 and '93?

5 A. The ones I treat with started after I left
6 Family Court.

7 Q. The ones that you're presently treating with
8 are ones -- are you saying yes, I no longer treat with
9 the doctors I treated with in 1993 and four?

10 A. That's correct.

11 Q. Have you ever been involuntarily hospitalized?

12 A. No.

13 Q. How many times have you been hospitalized for
14 your psychiatric condition?

15 A. A number of times. I don't know the number,
16 the specific number.

17 Q. Can you tell me what years you have been
18 hospitalized for your psychiatric conditions?

19 A. I can try.

20 Q. Okay.

21 A. All right. In '81, in '84, in '87. I think in
22 '92 for two weeks and for five days in '93 and that
23 was for the supposed evaluation. And in the end of
24 '94 there were three separate times in the hospital

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1 from the day after, I think it was October 29th of '94
2 through December 9th of '94 with like -- but they were
3 three separate hospitalizations. I was in the
4 hospital most of the time for that period.

5 Then in '95 I believe it was a week and I
6 don't think I've been hospitalized since. I don't
7 know if I'm forgetting something.

8 Q. So you don't know if you have been hospitalized
9 since 1995?

10 A. In a psychiatric hospital, no. I don't believe
11 so.

12 Q. Have you ever threatened to kill yourself?

13 A. Yes.

14 Q. How many times?

15 A. I used to have a disorder that Dr. Stehle
16 helped me get over and that was a piece of that
17 disorder, I mean it was a symptom of that disorder.
18 And my present psychiatrist says that he doesn't see
19 those symptoms anymore so I'm very lucky to have had
20 that treatment. I cannot tell you how many times, but
21 I certainly remember I certainly said that many times,
22 but I've learned what that meant to me and I don't
23 need to do that anymore.

24 Q. Have you also in the past made homicidal

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1 ideations that you wanted to kill someone?

2 A. The only time I felt that was in that period
3 right after what Family Court -- after October 28th of
4 '94 I was feeling homicidal towards certain Family
5 Court staff. I never did anything. I just wished
6 them.

7 Q. Well, did you express homicidal thoughts
8 towards hospital personnel after October of 1994?

9 A. I don't remember that. I remember being very
10 angry at hospital staff, but I don't remember
11 homicidal thoughts about them.

12 Q. When you were in the hospital, did you have
13 problems getting along with your roommates?

14 A. (Pause).

15 Q. If you recall.

16 A. I don't remember. It's possible.

17 Q. What's a typical day like for you?

18 A. Now?

19 Q. Yes.

20 A. It's easier for me if I can tell you my week.

21 Q. That's fine.

22 A. Is that all right? I see -- on Mondays and
23 Thursdays, one of the things I've done to get better
24 is to learn a new way to play bridge and a new way to

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1 communicate with partners and so forth that's very
2 interesting and exciting and involving. And my doctor
3 thinks it's been good for me. And I was playing
4 twice, I mean like I was playing twice a day on Monday
5 and Thursday, which would mean like from 12:30 to 4:00
6 and from 7:00 to 10:00, but now I'm cutting it back to
7 the afternoon sessions.

8 I see -- on Tuesday morning I go to my
9 class led by Dr. Catherine Fine. Catherine is
10 C-a-t-h-e-r-i-n-e F-i-n-e. That is a class about the
11 disorder of dissociative identity disorder and because
12 it's believed that the patients can help their
13 treatment, that they can -- if they can learn how it
14 happened and how it can change and so forth that you
15 can help your healing.

16 So I go there and then I go and have an
17 appointment with Dr. Schecker, Neil, N-e-i-l,
18 S-c-h-e-c-k-e-r. He's an M.D. He is my psychiatrist
19 and clinician. I see Dr. Schecker on Mondays,
20 Wednesdays and Fridays usually. I have three
21 45-minute sessions with him a week. And on Wednesday
22 I also have group psychotherapy.

23 Do you want to know who it's led by? You
24 were asking my schedule. That's at 3:15 on Friday and

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1 right now, except for the first Wednesday of the
2 month, I have a class that I'm taking again on some of
3 this bridge because there's so much to learn. I
4 missed some things the first time. So I do that.

5 What was your question?

6 Q. I was asking you what your typical week was
7 like.

8 A. My week?

9 Q. Yes.

10 A. I may have appointments with Mr. McNally
11 occasionally, depending on what's going on in the
12 case. And on Saturdays -- my sister's son is autistic
13 and he just turned 11 and he's in Deveruex. And I've
14 been very close with him during his lifetime, so on
15 Saturdays I go up and I spend time with Adam. And I'm
16 there often from 1:00 until sometimes overnight
17 because I'm so tired I can't drive back.

18 Q. What do you do on Sundays?

19 A. Well, I had been going out with a girlfriend
20 and -- girlfriend? She's a retired teacher I met in
21 fifth grade. We have been friends all these years.
22 And we either talk -- we're the partners doing the
23 bridge. So we might talk about bridge or play
24 Yahtzee, triple Yahtzee. It's fun. And we just talk.

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1 It's a time for us to be together. I have been
2 missing that because I've been staying longer helping
3 my sister with Adam. But we're agreeing to go back
4 and I do other things. I mean, I do my laundry. I
5 work on my apartment. I play with my cat. He
6 insists, you know.

7 Q. Didn't you used to have a dog?

8 A. Yes.

9 Q. Did he pass?

10 A. Yes. She had to be put to sleep.

11 Q. Is the cat a new cat or one that you had all
12 along?

13 A. No. Less than a year after Scruffy had to be
14 put to sleep, a neighbor threw this kitten out and
15 these two children I had helped them and their mother
16 brought him -- I thought it was a her -- brought him
17 to me because the younger child was allergic to cats.
18 So they asked me would I take her in -- him in. I
19 named her Sweetie because I thought it was a she and
20 he's five and a half.

21 Q. How much do you get in the way on a monthly
22 basis from the State of Delaware pension office?

23 A. The State of Delaware I think it's 1166
24 something.

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1 Q. And how much do you get from SSI?

2 A. I for some reason can't keep that. It's 1200
3 something.

4 Q. Now, in addition do you get other benefits?

5 A. Well, I certainly get -- I have the program. I
6 do get benefits by being on the State of Delaware
7 pension. I mean, they pay my hundred dollar
8 deductible of Social Security, of Medicare. I do have
9 to pay -- I no longer have to pay for the Blue Cross
10 that I used to when I was first on disability, but I
11 have to pay for Medicare B. So it's like -- I suspect
12 they structured it because they knew I was going to
13 have to pay for this.

14 I'm on a special plan which is very
15 important. You know, I have my Medicare now. After
16 two years I got Medicare and I had to pick doctors who
17 would accept the Medicare assignment. I always have
18 to do that. And then Blue Cross will supposedly pay
19 what Medicare allows, the assignment allows but does
20 not pay. That's a big struggle because they can't get
21 it right about the psychiatric. They have to pay 50
22 percent.

23 So it causes me to have to do a lot of
24 work to get Dr. Schecker paid correctly.

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1 Q. So are there any other benefits that you get
2 from being a State of Delaware retiree? Do you get
3 life insurance?

4 A. Yes. A small amount of life insurance. I
5 forgot. Forgive me. Yes.

6 Q. Anything else that you get?

7 A. I don't want to not include something now. I
8 haven't been thinking about that. I can join the
9 union. My goodness. I don't want to deny something
10 to you.

11 Did you have something in mind that I'm
12 forgetting?

13 Q. No. I'm just asking you if you recall anything
14 else, any other benefits or anything that you might
15 get from the state because you're a retiree of the
16 state now.

17 You indicated they pick up your Blue Cross
18 and Blue Shield premium, I believe?

19 A. Yes. They sure do.

20 Q. They pick up the deductible for the Medicaid,
21 correct?

22 A. For the Medicare. It's a wonderful plan.
23 They --

24 MR. McNALLY: There's no question pending.

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1 THE WITNESS: I'm sorry. I cannot
2 remember.

3 BY MR. NIEDZIELSKI:

4 Q. Now, do you still live in Sandybrae Apartments?

5 A. It's called -- they have changed their name.
6 It used to be Sandalwood Apartments and it's now Glen
7 Eagle Village.

8 Q. All right.

9 A. Apartments. So they can charge more. Yes,
10 I've been there.

11 Q. How long have you been living there? You have
12 been living there for about ten or fifteen years?

13 A. No. Over twenty years.

14 Q. Over twenty years?

15 A. Mm-hmm. Well over twenty. I forget the exact
16 number.

17 Q. If you wouldn't mind, we can take a break. I'm
18 going to review my notes. I may be done.

19 MR. McNALLY: All right. Let's do that.

20 (A brief recess was taken.)

21 MR. NIEDZIELSKI: That's all the questions
22 I have. Thank you very much. I hope it hasn't
23 been --

24 MR. McNALLY: We're going to want to read

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1 and everything else.

2 We can go off the record.

3 (Discussion off the record.)

4 MR. McNALLY: Ms. Lieberman has reminded
5 me that in the course of preparing for her deposition
6 that we have come up with some good number of
7 additional documents. There's a set of documents, for
8 example, that deals with the days that she was off. I
9 don't think I've ever produced those to you.

10 There's a set of documents that were
11 delivered to her by Family Court after she left.
12 There are some pages from her mediations that she's
13 done which she's used for purposes of she referred in
14 her testimony to a chart that she's prepared.

15 What I would propose to do is to give you
16 copies of all of these documents and then you decide
17 what you want to do and if you feel you need to ask
18 her any further questions as a result of what I think
19 is late production she will be happy to come back.

20 None of what she has given me -- we don't
21 need to go into it now.

22 THE WITNESS: Okay.

23 MR. McNALLY: None of what she's given to
24 me has anything to do with her medical history. I

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1 don't think I got anything new on that. It does have
2 to do with her testimony here today that she feels she
3 was more or less up to date at the time of her ceasing
4 to work at Family Court. I'll get those over to you
5 in a day or so.

6 MR. NIEDZIELSKI: Okay.

7 MR. McNALLY: All right.

8 MR. NIEDZIELSKI: Thank you. Thank you
9 for your patience.

10 (Deposition concluded at 12:05 p.m.)

11 (There were no exhibits marked for
12 identification.)

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Elberta Bernice Lieberman

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1 State of Delaware)
2)
3 New Castle County)

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CERTIFICATE OF REPORTER

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6 I, Kurt A. Fetzer, Registered Diplomat
7 Reporter and Notary Public, do hereby certify that
8 there came before me on the 8th day of November, 2004,
9 the deponent herein, ELBERTA BERNICE LIEBERMAN, who
10 was duly sworn by me and thereafter examined by
11 counsel for the respective parties; that the questions
12 asked of said deponent and the answers given were
13 taken down by me in Stenotype notes and thereafter
14 transcribed by use of computer-aided transcription and
15 computer printer under my direction.

16 I further certify that the foregoing is a true
17 and correct transcript of the testimony given at said
18 examination of said witness.

19 I further certify that I am not counsel,
20 attorney, or relative of either party, or otherwise
21 interested in the event of this suit.

22

23

24 Kurt A. Fetzer, RDR, CRR
Certification No. 100-RPR
(Expires January 31, 2005)

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DATED:

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